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# Fort Hays State University Faculty Senate Minutes, January 8, 1991

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## FACULTY SENATE MINUTES

January 8, 1991

The Fort Hays State University Faculty Senate was called to order in the Pioneer Room of the Memorial Union on January 8, 1991 at 3:30 pm by President Robert Markley.

The following members were present: Dr. Michael Slattery, Dr. Robert Stephenson, Dr. Fred Britten, Dr. Thomas Wenke, Ms. Martha Holmes, Ms. Joan Rumpel, Ms. Sharon Barton, Dr. James Hohman, Dr. Serjit Kasior, Dr. Willis Watt, Mr. Jack Logan, Dr. Richard Zakrzewski (for Dr. Paul Phillips), Dr. Ralph Gamble, Dr. Paul Gatschet, Dr. Pamela Shaffer, Dr. Raymond Wilson, Mr. Glenn Ginther, Mr. Jerry Wilson, Dr. Ronald Sandstrom, Dr. Lewis Miller, Dr. Martin Shapiro, Ms. Michelle Knowles (for Ms. Dianna Koerner), Dr. Mary Hassett, Dr. Richard Hughen, Dr. Maurice Witten, Dr. Richard Heil, Dr. Robert Markley, Dr. Kenneth Olson, Dr. Nevell Razak, and Dr. Michael Kallam.

The following members were absent: Dr. Bill Daley, Mr. Michael Jilg, Dr. William King, Dr. Robert Jennings, Mr. DeWayne Winterlin, Dr. John Zody, Dr. Tom Kerns, Mr. Glen McNeil, Dr. Mohammad Riazzi, and Mr. Kevin Shilling.

Others present included Provost James Murphy, and Grant Bannister of the Student Senate.

The minutes of the December 3, 1990 meeting were approved with the following correction: Mr. Glen McNeil should be included with the members present.

### ANNOUNCEMENTS

With regard to the printed announcements included with the meeting notice President Markley had the following comments.

1. The special fees for Engineering students as approved by the Board of Regents (announcement D. a)) are to be implemented next fall, and will be \$100 per semester for Engineering students at Kansas State University but \$15 per credit hour for Engineering students at the University of Kansas or Wichita State University.

2. The report on "Tenure and Faculty Evaluation" (announcement D. c)), included with the meeting notice, is a summary of documents prepared by the institutions at the request of the Board of Regents. On page 2 of this report some corrections need to be made on the table headed "Status of Faculty in 1990 Who Entered the Tenure Track in 1981, 1982". In the row marked "WSU" the following numbers should be substituted for those listed: 77 (for 36), 15 (for 7), 62 (for 29), 81% (for 80%), 20 (for 10), 5 (for 3), and 57 (for 26). In the row marked "System" the following numbers should be substituted: 369 (for 328), 142 (for 134), 227 (for 194), 61% (for 59%), 160 (for 150), 24 (for 22), and 203 (for 172). Regarding the three additional questions proposed by the Regents' staff (listed at the end of the report)

the Council of Faculty Senate Presidents recommended some changes, particularly to question 3 which deals with the actions to be taken when individuals receive merit evaluations in the bottom quartile for three successive years. COFSP recommended that the words "reflecting inadequate productivity as defined by departmental criteria" be substituted for "in the bottom quartile", since some faculty will always be rated higher than others even if all are doing outstanding work.

Dr. Miller asked what was meant by the term "other cohorts of faculty" used in question 1, and President Markley said that this meant faculty who started on tenure track in other years, or other groups of faculty. President Markley also said that three more questions were expected from the Regents' staff for COCAO's consideration. However the Regents' staff now appears to be convinced that formal post-tenure review may have no beneficial effect. Dr. Huguen asked about the meaning of the term "uneven" in the table headed "Faculty Tenured in 1974 and 1975" on page 4 of the report on Tenure and Faculty Evaluation. President Markley said that this was not a well-defined term but that some institutions used it to refer to faculty who were not doing a good job but were tenured. He also said that the term "exceptional" used in the same table was also poorly defined except by the University of Kansas, which used it to refer to Distinguished Professors.

3. With regard to the Symposium on Governance scheduled for Saturday, March 2 at the University of Kansas Alumni Center (listed under I. General Announcements, item a) on the meeting notice) President Markley said that he would be leaving for the symposium on Friday night and could take along any other interested faculty.

4. Regarding the ranking of the proposed action plans by members of the University Steering Committee (General Announcements, item b) on the meeting notice) President Markley said that he had turned in his ranking of the top 84 action plans out of more than

#### STANDING COMMITTEE REPORTS

1. Academic Affairs. Presented by Dr. Britten.

At their December meeting the committee discussed the Program Evaluation Proposal handed out at the last Faculty Senate meeting and suggested some wording changes and some clarifications which were passed on to President Markley to be forwarded to Provost Murphy. The committee was unclear about what would be done with the document now, and how the program evaluation would be used if the proposal is implemented. President Markley said that he had passed these comments on to Provost Murphy. The Faculty Senate Presidents suggested to COCAO that a task force made up of faculty and Regents' staff people be established to rewrite the proposal to explain how this evaluation system would work, but COCAO refused. Instead some of the system's provosts and chief

academic officers may rewrite the proposal.

2. University Affairs. Presented by Ms. Holmes.

a) In response to an inquiry from Dr. Miller regarding the Select Committee on the Status of Faculty Evaluation by Students Ms. Holmes said that this Select Committee had completed a survey on student evaluations and presented the results to the Faculty Senate, but was now waiting for a further charge from the Senate. The University Affairs Committee decided that this should be taken further, and recommended several people for membership on this Select Committee for this year, including Dr. A. Hoernicke, Dr. R. Nicholson, Dr. L. Frerer, Ms. Dianna Koerner, Dr. R. Huguen, Dr. J. Rucker, and a student to be named by the Student Government Association. The Executive Committee suggested two more people: Mr. R. Kilman and Dr. K. Olson. President Markley has written a charge for this Select Committee to undertake the following two tasks: 1) to prepare procedural guidelines for the administration of surveys, collection of data, collation of data, possession and storage of data, and any other technical issue which would affect the validity of data; and 2) to investigate and provide specific suggestions for other indicators of faculty teaching performance beyond student ratings which could possibly be used in the process of evaluation of faculty teaching, including procedures or criteria for assessing the degree of merit. The committee would be asked to report on the first task in March of 1991 and on the second task in September of 1991.

Dr. Gamble commented that the College of Business has already done merit evaluations by peers and has worked to establish weighting factors etc. for these evaluations. President Markley stated that the charge for this committee stems from several concerns about the validity of the student evaluations such as variations in how the evaluation forms are administered, who keeps the data obtained, and so on. Ms. Holmes said that a concern of students is that faculty members may see the evaluations before final grades have been assigned, or may have the students again in future classes.

b) Work is ongoing on possible revisions to Appendix O, and survey forms will shortly be sent to all committees and faculty who have been involved in the tenure and promotion processes to discover any problems that may have developed. Provost Murphy also asked the committee to look into the criteria used to evaluate faculty for tenure and promotion, and the question of whether a faculty member on tenure-track can apply for promotion.

c) Motion to approve a proposal on "Recommendations on Technology (software, hardware, etc.) Royalties".

The proposed Recommendations on Software Royalties handed out at the last Faculty Senate meeting underwent some changes



and is now titled "Recommendations on Technology (software, hardware, etc.) Royalties". The revised proposal was included with the meeting notice, and the changes from the earlier proposal include the following. First, the Principle of Uniformity included in the earlier proposal was deleted on a 4 to 2 vote by the committee and replaced by a Statement of the Issue. The reason for the deletion was that it was feared that the Principle of Uniformity might be used to justify taxing royalties earned by publishing books or producing other creative works instead of being used as intended to treat software the same as books and other creative works.

Second, specific examples of "extraordinary support" were included in the section on University Participation to clarify that term. These examples included the reception of a University research grant, reassigned time, adjustment in work load, substantial secretarial or programming support, etc. Third, a statement was added to the section on University Participation to the effect that negotiations between the University and the author should be used to set the proportions of revenue distributions based upon the extraordinary support provided by the University and the effort exerted by the author. Fourth, in the section on Advise and Consent the words ", hardware, or other items where the author will be accepting and utilizing extraordinary support from the University" were added to the first sentence after the word "software".

Fifth, in the same section the words "informed and" were added to the last sentence so that the last phrase would read "...such that the administration is informed and kept informed about the terms of the agreement and the need for any alterations.". Sixth, in the section on Liability the words "and/or the author" were added so that the sentence would begin "The University and/or the author...". Seventh, in the section on Distribution Issues the sentence "In some cases the University may have the right to restrict distribution." was deleted. Eighth, the section on Protecting Student and Other Persons' Rights was deleted. Dr. Huguen, who typed this revised proposal, said that he deleted this section because this issue was dealt with in the section titled "Statement of the Issue".

Dr. Gatschet asked if anyone on the committee had checked on the legal implications of this document, and also asked what other schools have done about this issue. Ms. Holmes said that the Computer Advisory Committee had looked at other schools' policies and found that there was no problem with this proposal. She also said that related policies on patent rights were examined; however, each university seemed to have only an unwritten policy on software to the effect that authors would not receive less than 15% of any royalties. Dr. Gamble asked if these would be gross royalties or royalties left after deductions for distribution, and Presi-

dent Markley stated that this would probably be worked out in the negotiations between the author and the University. Mr. Logan asked if this proposal should not include books as well as software. Dr. Hassett commented that the definition of the term "book" is changing, but that this was not the charge of the committee. Provost Murphy stated that books could also be included in such a policy.

Dr. Gamble asked why hardware was included in this proposal, and Mr. Kallam said that the proposal was meant to include all types of newly developed technology. Ms. Holmes suggested that the title could be shortened to just "Recommendations on Technology Royalties", leaving out the parenthetical phrase and also deleting the word "hardware" throughout the document.

Dr. Sandstrom moved that this proposal be returned to the committee for further revisions, and Mr. Logan seconded this motion.

Ms. Knowles asked what was meant by the term "other items" used in the Statement of the Issue", and Dr. Huguen stated that by this was meant other technological innovations such as artistic works created on a computer. Dr. Hassett said that there was not that much wrong with the document, and that some terms like "hardware or other items" could simply be deleted. Dr. Sandstrom said that he hated the idea of making such important changes on the floor of the Senate.

Dr. Miller asked Provost Murphy if the University had ever made financial claims on any creative work by a faculty member, and Provost Murphy replied that the University had not to his knowledge. Mr. Kallam stated that there had been some problems with the distribution of an interactive video and that that was why this proposal had been developed. He also said that all University employees on contract are employed 24 hours a day by the University for the terms of their contracts, and that therefore any works created by faculty while employed by the University could be considered the property of the University.

Dr. Miller asked what was the specific case that prompted the development of this proposal, and Dr. Hassett responded that it was effort to publish a set of videotapes and that a policy such as this would have helped in this case. She also said that this was only one example and that the committee had been aware of others. Ms. Holmes remarked that there was an additional issue of liability to be considered in this discussion and covered by this proposal. Dr. Miller asked why the University should get involved at all when it should be just a matter between the author and whoever publishes it. Dr. Watt replied that the University could at some future time claim all of the royalties from anything that a faculty member developed during the term of his or her contract.

Dr. Slattery asked if the department chairs have the authority to negotiate the distribution of royalties with faculty members as specified in the section on Advise and Consent. Dr. Gatschet pointed out that many of the questions raised about this proposal have to do with legal aspects while the people who developed it have been academicians, and that someone needs to look at the legal implications before the proposal is passed by the Senate.

Motion to return the proposal to the committee for clarifications carried.

3. Student Affairs. No report.
4. Bylaws and Standing Rules. No report.
5. External Affairs. No report.

#### OLD BUSINESS

None.

#### NEW BUSINESS

Dr. Watt presented a motion derived from discussion with several constituents concerning increased non-academic positions at FHSU and distributed copies to the senators.

M. That the Executive Committee be charged with investigating the issues surrounding the increase of administrative positions and, if deemed appropriate, formulate a formal resolution to be submitted to the Provost and the President of FHSU.

The motion was seconded by Dr. Huguen. Dr. Hassett asked if by non-academic was meant administrative, and Dr. Watt said yes. Dr. Huguen suggested that this was an issue best dealt with by the Executive Committee and Dr. Watt agreed. Dr. Watt said that this was really being presented for informational purposes because of the perception of excessive numbers of administrative positions, and that this perception may not even be correct.

Motion carried.

#### LIAISONS

No reports.

The meeting adjourned at 4:52 pm.

Respectfully submitted,

James R. Hohman, Secretary  
FHSU Faculty Senate